

OPEN MEETING ITEM

COMMISSIONERS  
GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

ORIGINAL



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ARIZONA CORPORATION COMMISSION

2011 NOV 22 A 10:05

AZ CORP COMMISSION  
DOCKET CONTROL

DATE: NOVEMBER 22, 2011

DOCKET NO.: E-01933A-11-0350

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Jane L. Rodda. The recommendation has been filed in the form of an Order on:

RAYE STILES vs. TUCSON ELECTRIC POWER COMPANY  
(COMPLAINT)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

DECEMBER 1, 2011

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

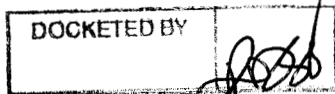
DECEMBER 13, 2011 and DECEMBER 14, 2011

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

NOV 22 2011



ERNEST G. JOHNSON  
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347

[www.azcc.gov](http://www.azcc.gov)

This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail [SABernal@azcc.gov](mailto:SABernal@azcc.gov)

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 GARY PIERCE - Chairman  
4 BOB STUMP  
5 SANDRA D. KENNEDY  
6 PAUL NEWMAN  
7 BRENDA BURNS

8 RAYE STILES

9 Complainant,

10 vs.

11 TUCSON ELECTRIC POWER COMPANY

12 Respondent

DOCKET NO. E-01933A-11-0350

DECISION NO. \_\_\_\_\_

13 **ORDER**  
14 **(Dismissal with Prejudice)**

15 Open Meeting  
16 December 13 & 14, 2011  
17 Phoenix, Arizona

18 **BY THE COMMISSION:**

19 \* \* \* \* \*

20 Having considered the entire record herein and being fully advised in the premises, the  
21 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

22 **FINDINGS OF FACT**

23 1. On September 15, 2011, a formal Complaint brought by Raye Stiles against Tucson  
24 Electric Power Co. ("TEP") was docketed with the Commission.

25 2. On September 16, 2011, the Commission's Docket Control sent the Complaint to TEP  
26 via certified mail.

27 3. On September 22, 2011, the Commission's Docket Control received from the  
28 Complainant the original and 13 copies of a document entitled "Motion for Specific Performance."

1 By Procedural Order dated September 23, 2011, the Complainant was informed: 1)  
2 that the Motion for Specific Performance could not be docketed as filed; 2) how to correct the  
3 deficiencies; and 3) that upon correction of the deficiencies, a motion could be filed.

1           5.       On October 14, 2011, TEP filed a Motion for Extension of Time to file its Answer.  
2 TEP stated that since the Complaint was filed, TEP and Ms. Stiles had engaged in settlement  
3 discussions, and that additional time was needed to complete those talks. TEP requested an extension  
4 of time to file its Answer. TEP proposed that if a settlement is reached, TEP would file a Motion to  
5 Dismiss the Complaint as soon as practicable after execution of a settlement agreement, and if a  
6 settlement was not reached, TEP would file its Answer to the Complaint within 20 days of  
7 determination that a settlement would not be possible.

8           6.       Complainant did not object to the extension.

9           7.       By Procedural Order dated October 17, 2011, TEP was granted an extension of time to  
10 file its Answer until 20 days after the parties determined that settlement was not possible.

11           8.       On October 31, 2011, TEP filed a Motion to Dismiss, attaching a Settlement  
12 Agreement executed by Ms. Stiles, Mr. Tyrone Henry<sup>1</sup> and TEP. A copy of the Settlement  
13 Agreement is attached hereto as Exhibit A, and incorporated herein by reference.

14           9.       Under the settlement agreement, TEP agrees to forgo Ms. Stiles' disputed debt in the  
15 amount of \$332.41 for the address 734 Roger Road, #201, Tucson, Arizona. Beginning with the  
16 October 20, 2011, billing statement, Ms. Stiles and Mr. Henry agree to make four monthly  
17 installment payments of \$51.21 (totaling \$204.85) for the August 2011 billing and reconnection fee  
18 for address 2018 N. Tucker Dr., Tucson, Arizona, and to make timely payment in full on future  
19 monthly billings. Ms. Stiles acknowledges that if she fails to make the installment payments, or fails  
20 to make timely payments in full on all future monthly billings, she will be subject to disconnection.  
21 Ms. Stiles agrees to dismissal of the Complaint with prejudice.

22           10.      The parties having consensually resolved their dispute in a fair and reasonable manner,  
23 the Complaint should be dismissed with prejudice.

24                               **CONCLUSIONS OF LAW**

25           1.       TEP is a public service corporation under Article XV of the Arizona Constitution and  
26 under Arizona Revised Statutes, Title 40, generally.

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<sup>1</sup> Mr. Henry filed a separate, but related, complaint against TEP in Docket No. E-01933A-11-0346.

1           2.       The Commission has jurisdiction over TEP and the subject matter of the Complaint.

2           3.       Notice of the proceeding was provided in accordance with applicable law.

3           4.       The consensually negotiated Settlement Agreement attached hereto as Exhibit A,  
4 resolves the issues raised in the Complaint in a fair and reasonable manner, and it is in the public  
5 interest to approve the settlement agreement and dismiss this Complaint with prejudice.

6                               **ORDER**

7           IT IS THEREFORE ORDERED that the Settlement Agreement entered into by Raye Stiles,  
8 Tyrone Henry and Tucson Electric Power Company, attached hereto as Exhibit A, is approved.

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1 IT IS FURTHER ORDERED that the Complaint filed by Raye Stiles against Tucson Electric  
2 Power Company is dismissed with prejudice as provided in the Settlement Agreement.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.  
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6

7 CHAIRMAN \_\_\_\_\_ COMMISSIONER \_\_\_\_\_  
8

9 COMMISSIONER \_\_\_\_\_ COMMISSIONER \_\_\_\_\_ COMMISSIONER \_\_\_\_\_  
10

11 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,  
12 Executive Director of the Arizona Corporation Commission,  
13 have hereunto set my hand and caused the official seal of the  
14 Commission to be affixed at the Capitol, in the City of Phoenix,  
15 this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

16 \_\_\_\_\_  
17 ERNEST G. JOHNSON  
18 EXECUTIVE DIRECTOR

19 DISSENT \_\_\_\_\_  
20

21 DISSENT \_\_\_\_\_  
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28

1 SERVICE LIST FOR:

TUCSON ELECTRIC POWER COMPANY

2 DOCKET NO.:

E-01933A-11-0350

3 Raye Stiles  
4 2018 North Tucker Drive  
5 Tucson, AZ 85716

6 Michael W. Patten  
7 ROSHKA DEWULF & PATTEN, PLC  
8 One Arizona Center  
9 400 East Van Buren Street, Suite 800  
10 Phoenix, AZ 85004  
11 Attorneys for TEP

12 Bradley S. Carroll, Esq.  
13 TUCSON ELECTRIC POWER COMPANY  
14 One S. Church Ave, Suite 200  
15 Tucson, AZ 85701

16 Janice Alward, Chief Counsel  
17 Legal Division  
18 ARIZONA CORPORATION COMMISSION  
19 1200 West Washington Street  
20 Phoenix, Arizona 85007

21 Steven M. Olea, Director  
22 Utilities Division  
23 ARIZONA CORPORATION COMMISSION  
24 1200 West Washington Street  
25 Phoenix, Arizona 85007

## EXHIBIT A

SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is entered into by and between Tyrone Henry ("Henry"), Raye Stiles ("Stiles") and Tucson Electric Power Company ("TEP")(collectively, the "Parties").

Recitals.

A. On or about September 13, 2011, Henry filed a Complaint against TEP with the Arizona Corporation Commission ("ACC") in Docket No. E-01933A-11-0346 (the "Henry Docket").

B. On or about September 15, 2011, Stiles filed a Complaint against TEP with the ACC in Docket No. E-01933A-11-0350 (the "Stiles Docket")(together with the Henry Docket, the "ACC Dockets").

C. TEP denies the allegations asserted and denies any liability for any claims asserted in the ACC Dockets.

D. On September 30, 2011, the Parties participated in a call with ACC Staff to discuss settlement of the ACC Dockets. As a result of that call, the Parties enter into this Agreement to fully resolve the disputes and claims contained within the docketed complaints as expressly provided herein.

TERMS AND CONDITIONS:

1. TEP agrees to forgo Henry's disputed debt in the amount of \$367.75 (from TEP account number 4305544122 for address 455 W. Kelso St., Apt. #121, Tucson, AZ 85705.)
2. TEP agrees to forgo Stiles' disputed debt in the amount of \$332.41 (from TEP account number 4234485731 for address 734 E. Roger Road, #201, Tucson, AZ 85709).
3. Henry and Stiles agree to make four (4) monthly installment payments in the amount of \$51.21 for the August billing statement and reconnection fee totaling \$204.85 beginning on the October 20, 2011 billing statement (for TEP account number 0315518716 for address 2018 N. Tucker Dr., Tucson, AZ 85716).
4. Henry and Stiles agree to make timely payments in full on future monthly billing statements.
5. Henry and Stiles acknowledge that if they fail to make the payments set forth in Paragraph 3 above or if they fail to make timely payments in full on all future monthly billings, they will be subject to disconnection.
6. Henry and Stiles agree to the dismissal with prejudice of the ACC Dockets. Upon execution of the Settlement Agreement, the Parties agree that TEP will file the Motions

Page One of Two *RLS*

*RLS*

DECISION NO. \_\_\_\_\_

to Dismiss, attached hereto as Exhibit A, and that neither Stiles, nor Henry, will oppose said motions.

TYRONE HENRY

By [Signature]  
Date Oct 25, 2011

RAYE STILES

By [Signature]  
Date October 25, 2011

TUCSON ELECTRIC POWER COMPANY

By [Signature]  
Its Chief Customer Officer - VP  
Date 10-31-11

Page Two of Two Pled

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DECISION NO. \_\_\_\_\_